

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**HUNTINGTON DIVISION**

JAMES McKELVEY,

Plaintiff,

v.

CIVIL ACTION NO. 3:13-22206

WESTERN REGIONAL JAIL, et al.,

Defendants.

**MEMORANDUM OPINION AND ORDER**

This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that Plaintiff's motion to amend and add defendants (ECF No. 60) be denied to the extent that he seeks to add claims and defendants related to an August 17, 2011 assault; and Defendants' opposition to the motion to amend/Defendant's motion to dismiss amendment (ECF No. 61) be granted. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **DENIES** Plaintiff's motion to amend and add defendants (ECF No. 60) to the extent that he seeks to add claims and defendants related to an August 17, 2011 assault; and **GRANTS** Defendants' opposition to the motion to amend/Defendant's motion to dismiss amendment (ECF No. 61), consistent with the findings and recommendations.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: July 17, 2014

  
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ROBERT C. CHAMBERS, CHIEF JUDGE